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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,021	11/19/2003	Brian J. Taylor	04AB026/YOD ALBR:0142/YOD	8807
7590 03/05/2009 Alexander M. Gerasimow Allen-Bradley Company, LLC 1201 South Second Street Milwaukee, WI 53204-2496			EXAMINER PATEL, DHARTI HARIDAS	
			ART UNIT 2836	PAPER NUMBER
			MAIL DATE 03/05/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



***Election/Restriction***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims (1-15, 65) and (16-26, 67) and (31-33, 70, 77) and (34, 52-53, 56-63, 72-73) and (51, 78), drawn to **a motor control unit selectable from a plurality of different types of motor control units**, classified in class 361, subclass 614, 731
- II. Claims (83-88), drawn to a motor/machine mountable base designed to accommodate **one type of modular control unit** laterally next to it; with control features comprising a soft start controller, a variable frequency drive etc., classified in class 361, subclass 23.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as a motor/machine mountable base capable of interchangeably receiving a plurality of motor controllers with different features. Subcombination II has separate utility such as a motor/machine mountable base with a lateral mounting receptacle capable of receiving one type of modular control unit. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DHARTI H. PATEL whose telephone number is (571)272-8659. The examiner can normally be reached on 7:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms can be reached on 571-272-2800, Ext. 36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dharti H Patel/  
Examiner, Art Unit 2836  
03/02/2009

/Stephen W Jackson/  
Primary Examiner, Art Unit 2836